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January 4, 2022

VIA ECF

Honorable Stewart D. Aaron
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. The Clerk of Court is respectfully requested to mail a copy of this Order to the *pro se* Plaintiff.
SO ORDERED.

Dated: January 5, 2022

Re: *Chepilko v. City of New York, et al.*,
18-CV-2195 (ALC) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, and the attorney representing defendants City of New York (“City”), Police Officer Scott Henry, and Sergeant Tarakur Chowdhury in the above-referenced matter. I write to respectfully request a two-week enlargement of time — from January 4, 2022 until January 18, 2022 — for defendants to comply with the Court’s Order dated November 10, 2021. (Docket Entry No. 58) This is the third request for an extension of this deadline; the prior requests were granted. (Docket Entry Nos. 65, 69) The undersigned e-mailed and called plaintiff on the date hereof to request his consent to this request but, as of this writing, has not received a response. Accordingly, this request is made without plaintiff’s consent.

By way of background, on November 10, 2021, the parties appeared at a telephonic conference before Your Honor. Thereafter, the Court ordered defendants to search for and produce to plaintiff copies of any Freedom of Information Law (“FOIL”) requests made by plaintiff to the NYPD in March 2017 and any responses thereto. (*Id.*)

Our search efforts have revealed that plaintiff made two FOIL requests in March 2017. Defendants received two printouts from the NYPD FOIL database summarizing each of plaintiff’s requests and the responses from the NYPD FOIL Unit. Defendants provided plaintiff with copies of those printouts.

Because plaintiff made his FOIL requests nearly five years ago, any additional records relating to those requests, if they still exist, are in a storage facility. Those records have

been requested but have not yet been located. Additionally, City agencies, like the City at large, are experiencing significant rates of infections from the Omicron variant of COVID-19, causing widespread and necessary absences due to quarantine. As of this writing, at least one of the individuals involved in the process for obtaining those records is absent due to COVID-19 infection. This has caused a delay in defendants' receipt of the documents, necessitating this request.

Accordingly, defendants respectfully request a two-week enlargement of time, until January 18, 2022, to obtain the remaining FOIL records and provide the same to plaintiff.

Defendants thank the Court for its consideration of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffrey Frank", written over a horizontal line.

Jeffrey F. Frank

Assistant Corporation Counsel

Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL AND E-MAIL**

Sergei Chepilko

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